

REMARKS

Reconsideration of this application, as amended, is respectfully requested. By this Amendment, a claim for priority under 35 U.S.C. 119(a)-(d) is being added to the Cross References to Related Applications on page 1 of the specification. This claim for priority is identical to the claim contained in the Declaration and Power of Attorney originally filed in this application. Further, since the current application was filed prior to November 29, 2000, even the current claim for priority is timely.

A certified copy of the Canadian priority application is enclosed herewith to perfect the priority claim.

In the initial Office Action, claims 1-16 were rejected under 35 U.S.C. 102(a) as allegedly anticipated by International Telecommunication Union-Radiocommunication Sector B.S. 1387-1 (hereinafter, "ITU-R BS. 1387-1"). The copy of this reference provided by the Examiner includes the date "(1998-2001)".

Applicant has determined that the publication date for Recommendation ITU-R BS. 1387 was December 14, 1998, and that the revision of this recommendation which became BS. 1387-1 was approved on November 30, 2001.

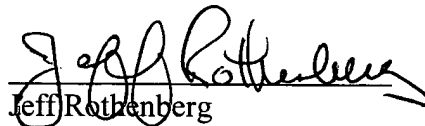
In support of the publication date of the original ITU recommendation and the approval date of the revised recommendation, enclosed is e-mail correspondence from Elizabeth Mostyn at the International Telecommunication Union. Also enclosed is a print-out from the ITU web site, confirming the publication date of December 14, 1998 for the original recommendation.

The relevant portions of the ITU reference were prepared based on submissions from the inventors of the present application. Moreover, the March 27, 1998 filing date of Applicant's Canadian priority application under the perfected priority claim is prior to the December 14, 1998 publication of the original ITU recommendation. Further, Applicant notes that the May 24, 2000 filing date of Applicant's current U.S. patent application is prior to the November 30, 2001 approval date of revised Recommendation B.S. 1387-1. Accordingly, Applicant respectfully submits that the filing date of the current application predates the approval date of the revised Recommendation ITU-R BS. 1387-1, and that the perfected priority date predates publication of original Recommendation ITU-R BS. 1387, thereby overcoming the applied reference.

Since no other objections or rejections have been raised, this application is believed to be in condition for allowance and such action is respectfully requested.

If it would advance the prosecution of this application, the Examiner is cordially invited to contact Applicant's representative at the below indicated telephone number.

Respectfully submitted,



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